IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4371 of 2006

AGAINST THE ORDER DATED 04/07/2006 IN ORDER IN CMP.5528/2006 of J.M.F.C.-I,NEDUMANGAD
(CRIME NO.47/2006 OF EXCISE RANGE, NEDUMANGAD)

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PETITIONER/1ST ACCUSED

SASI @ CHIPPAN SASI S/O.SUBRAMANIYAN,
MEKKUMKARA PUTHEN VEEDU,KADUVAKKUZHI,
MEENACHIL, KOTTAKKAKOM MURI,
ARYANAD VILLAGE.

BY ADV. SRI.D.KISHORE

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
NEDUMANGADU EXCISE RANGE,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4371/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner was arrested on 24.6.2006 at 5.30 p.m., as he was found in illegal possession of five liters of illicit arrack, by the Inspector of Excise Range, Nedumangad, and C.R.No.47/2006 of that Excise Range was registered against him, under Section 8(1) & 8(2) of the Abkari Act. He remains in judicial custody. Hence this application, under Section 438 Cr.P.C.

2. When the matter came up for consideration, the learned Public Prosecutor submitted that the petitioner is accused in three other cases, in violation of the provisions of the Abkari Act. The offence in C.R.No.47/2006 had been committed by the petitioner while he was on bail, in the earlier cases. In such situation, because of the operation of Section 41A of the Abkari Act, he is not entitled for bail.

Hence the application is dismissed as above.

J.M.JAMES
JUDGE

mrcs